

Stephen J. Ritchin, Esq.
Berle, Kass & Case
45 Rockefeller Plaza
New York, New York 10111

Re: Nelson Galvanizing facility

Dear Mr. Ritchin:

I am writing to confirm our telephone conversations of February 4, 1991.

You called to inform the United States Environmental Protection Agency ("EPA") that you had met with John Sweeney on February 1, 1991 and that Berle, Kass & Case had been retained to represent Nelson Galvanizing, Inc., Nelson Foundry, Inc. and the Sweeney's ("Nelson") in connection with the EPA removal action at the Nelson Galvanizing facility. You also advised that Nelson had retained Metcalf & Eddy as a technical advisor to Nelson in connection with this action.

You said that the purpose of your call to EPA was to request that Nelson be permitted to perform the removal action at the facility.

You were informed that EPA could allow Nelson to perform the removal action subject to EPA oversight if Nelson were able to demonstrate to EPA that it could perform the action properly and promptly.

However, I further advised you that EPA would seek immediate access to perform the action unless EPA received assurances that Nelson would refrain from moving or removing any of the material now stored in the facility except under EPA oversight pursuant to an administrative order to be issued by EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq.

You called back on February 4, 1991 and left a message on my answering machine saying "I just spoke to John Sweeney who has assured me that he will not remove anything and that all the work will be done pursuant to EPA's oversight and in accord with EPA's wishes".

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Based upon the foregoing, EPA will prepare a draft Order for the removal action. Should your client fail to expeditiously consent to an Order, EPA intends to seek immediate access to perform the removal as set forth in the letter of January 31, 1991 from the undersigned to Nelson.

Very truly yours,

Michael A. Mintzer
Assistant Regional Counsel
Office of Regional Counsel

cc: Joseph Hurley, Senior Attorney, Environment and Natural
Resources Division, United States Department of Justice

Paul Weinstein, Assistant U.S. Attorney, Eastern District of
New York

Christopher A. Amato, Assistant Corporation Counsel,
Environmental Prosecution Unit, Law Department, The City of
New York

bcc: Paul Kahn